THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.26875 of 2006

Date: 26th December, 2006

Between :-

V.Krishna and others ..

Petitioners

And

The Municipal Corporation of Hyderabad,
Rep. By its Commissioner, Tank Bund road,
Hyderabad and another ..
Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.26875 of 2006

ORDER:-

The matter is coming up for *admission.*

2. Smt. Jyoti Kiran, the learned standing Counsel takes notice on behalf of respondents.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents as illegal, high handedness, arbitrary and in violation of principles of natural justice in issuing the notice No.82/UC/W8/SD/MC/2003 dt.22-12-2006 and set aside the same and pass such other suitable orders.

4. It is stated that the mother of the petitioners was the owner of the premises bearing No.8-3-29/35 admeasuring 83 square yards and she obtained building permission for construction of the Ground + 2 floors on 27-1-2001. It is also stated that even though there is no necessity to obtain permission for the area below 100 square yards, her mother obtained permission for the purpose of obtaining house loan. It is also stated that not only the petitioners, the petitioners' neighbour and the members of the colony had constructed their respective buildings Ground + 2 upper portions without any specific building permission as their respective plot areas are below 100

sq.mts. It is further stated that at the instance of petitioners' neighbour, the respondent-Corporation issued notice dated 22-12-2006 to show cause within three days as to why the unauthorized construction of the petitioners not to be demolished. The said notice was served on 22-12-2006. Several other factual details are also narrated in the affidavit filed in support of the Writ Petition.

5. In view of the facts and circumstances, this Court is of the considered opinion that the impugned notice, which is issued, to be treated as show-cause notice and the petitioners are given liberty to raise objections to the impugned notice within a period of two weeks and the respondents to consider such objections which would be raised by the petitioners and pass appropriate orders in this regard and till the further action is taken, *status quo* as on today to be maintained.

6. The Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

26th December, 2006

NOTE:- Operative portion of the order by wire at party's costs.

(B/o.smr)